

113TH CONGRESS  
1ST SESSION

# S. 1675

To reduce recidivism and increase public safety, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2013

Mr. WHITEHOUSE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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# A BILL

To reduce recidivism and increase public safety, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Recidivism Reduction  
5 and Public Safety Act of 2013”.

6 **SEC. 2. EVIDENCE-BASED RECIDIVISM REDUCTION PRO-  
7 GRAMMING.**

8       (a) IN GENERAL.—Section 3621 of title 18, United  
9 States Code, is amended—

10                   (1) by redesignating subsections (f) and (g) as  
11 subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

**“(f) RECIDIVISM REDUCTION PROGRAMMING.—**

4           “(1) DEFINITIONS.—In this subsection—

5                   “(A) the term ‘evidence-based recidivism  
6 reduction programming’—

7                         “(i) means a course of instruction or  
8 activities that have been demonstrated to  
9 reduce recidivism or promote successful re-  
10 entry, which may include vocational train-  
11 ing, cognitive behavioral programming,  
12 prison employment, and educational pro-  
13 gramming; and

16                   “(B) the term ‘recovery programming’  
17                   means a course of instruction or activities,  
18                   other than a course described in subsection (e),  
19                   that have been demonstrated to reduce drug or  
20                   alcohol abuse or dependence among partici-  
21                   pants, or to promote recovery among individuals  
22                   who have previously abused alcohol or drugs.

23           “(2) RECIDIVISM REDUCTION PROGRAMS.—  
24       Subject to the availability of appropriations, the Bu-  
25       reau of Prisons shall offer evidence-based recidivism

1 reduction programs to prisoners who have been as-  
2 sessed, pursuant to section 3 of the Recidivism Re-  
3 duction and Public Safety Act of 2013, to need to  
4 participate in the programs.

5       “(3) CONSULTATION.—In carrying out this sub-  
6 section, the Bureau of Prisons shall consult with  
7 other relevant agencies within the Department of  
8 Justice, including the National Institute of Justice  
9 and the Criminal Division, as well as with the Ad-  
10 ministrative Office of the Courts, United States Pro-  
11 bation and Pretrial Services, the United States Sen-  
12 tencing Commission, and any other entity as appro-  
13 priate.

14       “(4) CREDIT FOR SUCCESSFUL PARTICIPA-  
15 TION.—

16       “(A) IN GENERAL.—The period a prisoner  
17 remains in custody after successfully partici-  
18 pating in an evidence-based recidivism reduc-  
19 tion program may be reduced, in the discretion  
20 of the Bureau of Prisons, by no more than 60  
21 days per year of participation in the program,  
22 from the term the prisoner must otherwise  
23 serve.

24       “(B) PARTICIPATION IN PROGRAMS LAST-  
25 ING LESS THAN 1 YEAR.—The credit described

1           in subparagraph may be prorated for prisoners  
2           who successfully participate in evidence-based  
3           recidivism reduction programs lasting less than  
4           1 year.

5           “(C) BUREAU OF PRISONS DETERMINA-  
6           TION.—Any determination as to whether a pris-  
7           oner has successfully participated in an evi-  
8           dence-based recidivism reduction program shall  
9           be in the sole discretion of the Bureau of Pris-  
10          ons and no prisoner shall be entitled to a reduc-  
11          tion in sentence pursuant to this subsection.

12          “(D) LIMITATION ON REDUCTION IN SEN-  
13          TENCE.—The combined credit awarded under  
14          this subsection and subsection (e) may not ex-  
15          ceed 15 percent of the total sentence imposed.

16          “(5) PARTNERSHIPS WITH NON-PROFIT ORGA-  
17          NIZATIONS.—In carrying out this subsection, the  
18          Bureau of Prisons shall enter into partnerships, as  
19          appropriate, with non-profit organizations, including  
20          faith- and community-based organizations and edu-  
21          cational institutions, that offer appropriate evidence-  
22          based recidivism reduction programming.

23          “(6) PRIORITIZATION.—In offering program-  
24          ming to prisoners under this subsection, the Bureau  
25          of Prisons shall give preference to—

1                 “(A) prisoners with earlier anticipated re-  
2 lease dates; and

3                 “(B) prisoners who have demonstrated the  
4 greatest need for such programming.

5                 “(7) REPORT TO CONGRESS.—Beginning 2  
6 years after the date of enactment of this Act, and  
7 every year thereafter, the Bureau of Prisons shall  
8 submit to the Committee on the Judiciary and the  
9 Committee on Appropriations of the House of Rep-  
10 resentatives and the Committee on the Judiciary and  
11 the Committee on Appropriations of the Senate a re-  
12 port that describes—

13                 “(A) all evidence-based recidivism reduc-  
14 tion programming offered pursuant to this sec-  
15 tion and the Bureau of Prisons facilities in  
16 which such programming was offered;

17                 “(B) the number of participants in each  
18 such recidivism reduction program at each in-  
19 stitution; the number who successfully partici-  
20 pated in such program; and the amount of cred-  
21 it for such successful participation awarded;  
22 and

23                 “(C) the partnerships with non-profit orga-  
24 nizations entered into pursuant to paragraph  
25 (5).”.

1       (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect 180 days after the date of  
3 enactment of this Act.

4 **SEC. 3. INDIVIDUAL RECIDIVISM RISK FACTOR AND NEEDS**

5                   **ASSESSMENT.**

6       (a) DEVELOPMENT OF METHODOLOGY AND PROCE-  
7 DURES.—

8                   (1) IN GENERAL.—Not later than 180 days  
9 after the date of enactment of this Act, the Attorney  
10 General shall develop a methodology and procedure  
11 to assess the recidivism risk factors of all prisoners  
12 committed to the custody of the Bureau of Prisons  
13 for a term of imprisonment other than life imprison-  
14 ment and to identify programming to reduce the risk  
15 factors.

16                   (2) CONSULTATION.—In developing the meth-  
17 odology and procedure required under paragraph  
18 (1), and in updating the methodology and procedure  
19 as appropriate, the Attorney General shall—

20                   (A) use available research in the field;

21                   (B) consult with academic and other ex-  
22 perts as appropriate; and

23                   (C) consult with the Administrative Office  
24 of the Courts, United States Probation and  
25 Pretrial Services, the United States Sentencing

1                   Commission, and any other entity as appro-  
2                   priate.

3                 (b) ASSESSMENTS OF PRISONERS.—The Bureau of  
4 Prisons shall use the methodology and procedure devel-  
5 oped under subsection (a) to assess each prisoner’s recidi-  
6 vism risk factors and to identify evidence-based recidivism  
7 reduction programming (as defined in section 3621(f) of  
8 title 18, United States Code, as added by this Act) likely  
9 to address such recidivism risk factors.

10                (c) TIME PERIOD FOR ASSESSMENTS.—

11                (1) SENTENCING AFTER DATE OF ENACT-  
12 MENT.—For prisoners sentenced to a term of im-  
13 prisonment after the date that is 180 days after the  
14 date of enactment of this Act, the Bureau of Prisons  
15 shall complete the assessment required by this sec-  
16 tion as soon as is practicable after the prisoner is  
17 sentenced.

18                (2) PRIOR SENTENCING.—

19                (A) DEFINITION.—In this paragraph, the  
20 term “covered prisoner” means a prisoner sen-  
21 tenced to a term of imprisonment, other than  
22 life imprisonment, on or before the date that is  
23 180 days after the date of enactment of this  
24 Act.

(B) REQUIREMENT.—The Bureau of Prisons shall complete the assessment required by this section—

(i) for not less than 20 percent of the total number of covered prisoners not later than 2 years after the date of enactment of this Act;

(ii) for not less than 40 percent of the total number of covered prisoners not later than 3 years after the date of enactment of this Act;

(iii) for not less than 60 percent of the total number of covered prisoners not later than 4 years after the date of enactment of this Act;

(iv) for not less than 80 percent of the total number of covered prisoners not later than 5 years after the date of enactment of this Act; and

(v) for all covered prisoners not later than 6 years after the date of enactment of this Act.

23 (d) UPDATE OF ASSESSMENTS.—The Bureau of  
24 Prisons shall update the assessment of each prisoner re-  
25 quired by this section on an appropriate schedule of review

1 and reassessment, as determined by the Bureau of Pris-  
2 ons.

3 (e) REPORTING ON RECIDIVISM RATES.—

4 (1) IN GENERAL.—Beginning 1 year after the  
5 date of enactment of this Act, and every year there-  
6 after, United States Probation and Pretrial Services  
7 shall report to Congress and the Department of Jus-  
8 tice on rates of recidivism among individuals who  
9 have been released from Federal prison and who are  
10 under the supervision of United States Probation  
11 and Pretrial Services.

12 (2) CONTENTS.—The report required under  
13 paragraph (1) shall contain information on rates of  
14 recidivism among former Federal prisoners, includ-  
15 ing information on rates of recidivism among former  
16 Federal prisoners based on the following criteria:

17 (A) Primary offense charged.

18 (B) Length of sentence.

19 (C) Bureau of Prisons facility or facilities  
20 in which the prisoner's sentence was served.

21 (D) Recidivism reduction programming in  
22 which the prisoner successfully participated, if  
23 any.

24 (E) The prisoner's assessed risk of recidi-  
25 vism pursuant to subsection (b).

## 1 SEC. 4. PROMOTING SUCCESSFUL REENTRY.

2 (a) FEDERAL REENTRY DEMONSTRATION

3 PROJECTS.—

4 (1) EVALUATION OF EXISTING BEST PRACTICES  
5 FOR REENTRY.—Not later than 180 days after the  
6 date of enactment of this Act, the Administrative  
7 Office of the Courts, in consultation with the Attorney  
8 General, shall—9 (A) evaluate best practices used for the re-  
10 entry into society of individuals released from  
11 the custody of the Bureau of Prisons, including  
12 conducting examinations of reentry practices in  
13 State and local justice systems and consulting  
14 with Federal, State, and local prosecutors, Federal,  
15 State, and local public defenders, and non-  
16 profit organizations that provide reentry serv-  
17 ices; and18 (B) shall submit to the Committee on the  
19 Judiciary of the House of Representatives and  
20 the Committee on the Judiciary of the Senate  
21 a report that details the evaluation conducted  
22 under subparagraph (A).23 (2) CREATION OF REENTRY DEMONSTRATION  
24 PROJECTS.—Not later than 1 year after the date of  
25 enactment of this Act, the Attorney General, in con-  
26 sultation with the Administrative Office of the

1       United States Courts, shall select an appropriate  
2       number of Federal judicial districts which shall con-  
3       duct Federal reentry demonstration projects using  
4       the best practices identified in the evaluation con-  
5       ducted under paragraph (1). The Attorney General  
6       shall determine the appropriate number of Federal  
7       judicial districts to conduct demonstration projects  
8       under this paragraph.

9                     (3) PROJECT DESIGN.—For each Federal judi-  
10          cial district selected under paragraph (2), the United  
11          States Attorney, in consultation with the Chief  
12          Judge, Chief Federal Defender, and the Chief Pro-  
13          bation Officer, shall design a Federal reentry dem-  
14          onstration project for the Federal judicial district in  
15          accordance with paragraph (4).

16                     (4) PROJECT ELEMENTS.—A project designed  
17          under paragraph (3) shall coordinate efforts by Fed-  
18          eral agencies to assist participating prisoners in pre-  
19          paring for and adjusting to reentry into the commu-  
20          nity and may include, as appropriate—

21                         (A) the use of community correctional fa-  
22                         cilities and home confinement, as determined to  
23                         be appropriate by the Bureau of Prisons;

24                         (B) a reentry review team for each pris-  
25                         oner to develop a reentry plan specific to the

1       needs of the prisoner, and to meet with the  
2       prisoner following transfer to monitor the re-  
3       entry plan;

4                 (C) steps to assist the prisoner in obtain-  
5       ing health care, housing, and employment, be-  
6       fore the prisoner's release from a community  
7       correctional facility or home confinement;

8                 (D) regular drug testing;

9                 (E) a system of graduated levels of super-  
10      vision and immediate sanctions for violations of  
11      the conditions of participation in the project;

12                 (F) substance abuse treatment, medical  
13      treatment, including mental health treatment,  
14      vocational and educational training, life skills  
15      instruction, recovery support, conflict resolution  
16      training, and other programming to promote ef-  
17      fective reintegration into the community;

18                 (G) the participation of volunteers to serve  
19      as advisors and mentors to prisoners being re-  
20      leased into the community; and

21                 (H) steps to ensure that the prisoner  
22      makes satisfactory progress toward satisfying  
23      any obligations to victims of the prisoner's of-  
24      fense, including any obligation to pay restitu-  
25      tion.

1                         (5) REVIEW OF PROJECT OUTCOMES.—Not  
2                         later than 5 years after the date of enactment of  
3                         this Act, the Administrative Office of the Courts, in  
4                         consultation with the Attorney General, shall—

5                             (A) evaluate the results from each Federal  
6                         judicial district selected under paragraph (2),  
7                         including the extent to which participating pris-  
8                         oners released from the custody of the Bureau  
9                         of Prisons were successfully reintegrated into  
10                         their communities, maintained employment, and  
11                         refrained from committing further offenses; and  
12                             (B) submit to the Committee on the Judi-  
13                         ciary of the House of Representatives and the  
14                         Committee on the Judiciary of the Senate a re-  
15                         port that contains—

16                             (i) the evaluation of the best practices  
17                         identified in the report required under  
18                         paragraph (1); and  
19                             (ii) the results of the demonstration  
20                         projects required under paragraph (2).

21                         (b) STUDY ON THE IMPACT OF REENTRY ON CER-  
22                         TAIN COMMUNITIES.—

23                             (1) IN GENERAL.—Not later than 2 years after  
24                         the date of enactment of this Act, the Attorney Gen-  
25                         eral, in consultation with the Administrative Office

1       of the Courts, shall submit to the Committee on the  
2       Judiciary of the House of Representatives and the  
3       Committee on the Judiciary of the Senate a report  
4       on the impact of reentry of prisoners on commu-  
5       nities in which a disproportionate number of individ-  
6       uals reside upon release from incarceration.

7                     (2) CONTENTS.—The report required under  
8       paragraph (1) shall analyze the impact of reentry of  
9       individuals released from both State and Federal  
10      correctional systems as well as State and Federal ju-  
11      venile justice systems, and shall include—

12                     (A) an assessment of the reentry burdens  
13       borne by local communities;

14                     (B) a review of the resources available in  
15       such communities to support successful reentry,  
16       including resources provided by State, local,  
17       and Federal governments, the extent to which  
18       those resources are used effectively; and

19                     (C) recommendations to strengthen the re-  
20       sources in such communities available to sup-  
21       port successful reentry and to lessen the burden  
22       placed on such communities by the need to sup-  
23       port reentry.

1   **SEC. 5. ADDITIONAL TOOLS TO PROMOTE RECOVERY AND**  
2                   **PREVENT DRUG AND ALCOHOL ABUSE AND**  
3                   **DEPENDENCE.**

4       (a) REENTRY AND RECOVERY PLANNING.—

5               (1) PRESENTENCE REPORTS.—Section 3552 of  
6               title 18, United States Code, is amended—

7                       (A) by redesignating subsections (b), (c),  
8                       and (d) as subsections (c), (d), and (e), respec-  
9                       tively;

10                      (B) by inserting after subsection (a) the  
11                       following:

12       “(b) REENTRY AND RECOVERY PLANNING.—

13               “(1) IN GENERAL.—In addition to the informa-  
14               tion required by rule 32(d) of the Federal Rules of  
15               Criminal Procedure, the report submitted pursuant  
16               to subsection (a) shall contain the following informa-  
17               tion, unless such information is required to be ex-  
18               cluded pursuant to rule 32(d)(3) of the Federal  
19               Rules of Criminal Procedure or except as provided  
20               in paragraph (2):

21                       “(A) Information about the defendant’s  
22                       history of substance abuse and addiction, if  
23                       any.

24                       “(B) A detailed plan, which shall include  
25                       the identification of programming provided by  
26                       the Bureau of Prisons that is appropriate for

1           the defendant's needs, that the probation officer  
2           determines will—

3                 “(i) reduce the likelihood the defendant  
4                 will abuse drugs or alcohol;

5                 “(ii) reduce the defendant's likelihood  
6                 of recidivism by addressing the defendant's  
7                 specific recidivism risk factors; and

8                 “(iii) assist the defendant preparing  
9                 for reentry into the community.

10           “(2) EXCEPTION.—The information described  
11           in paragraph (1)(B) shall not be required to be in-  
12           cluded under paragraph (1) if the applicable sen-  
13           tencing range under the sentencing guidelines, as de-  
14           termined by the probation officer, includes a sen-  
15           tence of life imprisonment.”;

16           (C) in subsection (c), as redesignated, in  
17           the first sentence, by striking “subsection (a) or  
18           (c)” and insertion “subsection (a) or (d)”;  
19           (D) in subsection (d), as redesignated, by  
20           striking “subsection (a) or (b)” and inserting  
21           “subsection (a) or (c)”.

22           (2) TECHNICAL AND CONFORMING AMEND-  
23           MENT.—Section 3672 of title 18, United States  
24           Code, is amended in the eighth undesignated para-

1 graph by striking “subsection (b) or (c)” and insert-  
2 ing “subsection (c) or (d)”.  
3

4 (b) PROMOTING FULL UTILIZATION OF RESIDEN-  
5 TIAL DRUG TREATMENT.—Section 3621(e)(2) of title 18,  
6 United States Code, is amended by adding at the end the  
6 following:

7 (C) COMMENCEMENT OF TREATMENT.—  
8 Not later than 3 years after the date of enact-  
9 ment of the Recidivism Reduction and Public  
10 Safety Act of 2013, the Bureau of Prisons shall  
11 ensure that each eligible prisoner has an oppor-  
12 tunity to commence participation in treatment  
13 under this subsection by such date as is nec-  
14 essary to ensure that the prisoner completes  
15 such treatment not later than 1 year before the  
16 date on which the prisoner would otherwise be  
17 released from custody prior to the application of  
18 any reduction in sentence pursuant to this  
19 paragraph.”.

20 (c) SUPERVISED RELEASE PILOT PROGRAM TO RE-  
21 DUCE RECIDIVISM AND IMPROVE RECOVERY FROM ALCO-  
22 HOL AND DRUG ABUSE.—

23 (1) IN GENERAL.—Not later than 2 years after  
24 the date of enactment of this Act, United States  
25 Probation and Pretrial Services shall establish a re-

1       cidivism reduction and recovery enhancement pilot  
2       program, premised on high-intensity supervision and  
3       the use of swift, predictable, and graduated sanc-  
4       tions for noncompliance with program rules, in Fed-  
5       eral judicial districts selected by the Administrative  
6       Office of the Courts in consultation with the Attor-  
7       ney General.

8                     (2) REQUIREMENTS OF PROGRAM.—Participa-  
9       tion in the pilot program required under paragraph  
10      (1) shall be subject to the following requirements:

11                     (A) Upon entry into the pilot program, the  
12       court shall notify program participants of the  
13       rules of the program and consequences for vio-  
14       lating such rules, including the penalties to be  
15       imposed as a result of such violations pursuant  
16       to paragraph (E).

17                     (B) Probation officers shall conduct reg-  
18       ular drug testing of all pilot program partici-  
19       pants with a history of substance abuse.

20                     (C) In the event that a probation officer  
21       determines that a participant has violated a  
22       term of supervised release, the officer shall no-  
23       tify the court within 24 hours of such violation.

24                     (D) As soon as is practicable, and in no  
25       case more than 1 week after the violation was

1           reported by the probation officer, absent good  
2           cause, the court shall conduct a hearing on the  
3           alleged violation.

4           (E) If the court determines that a program  
5           participant has violated a term of supervised re-  
6           lease, it shall impose an appropriate sanction,  
7           which may include the following, if appropriate:

8                 (i) Modification of the terms of such  
9                 participant's supervised release, which may  
10                include imposition of a period of home con-  
11                finement.

12                 (ii) Referral to appropriate substance  
13                abuse treatment.

14                 (iii) Revocation of the defendant's su-  
15                pervised release and the imposition of a  
16                sentence of incarceration that is no longer  
17                than necessary to punish the participant  
18                for such violation and deter the participant  
19                from committing future violations.

20                 (iv) For participants who habitually  
21                fail to abide by program rules or pose a  
22                threat to public safety, termination from  
23                the program.

24                 (3) STATUS OF PARTICIPANT IF INCARCER-  
25                ATED.—

(B) POLICIES FOR MAINTAINING EMPLOYMENT.—The Bureau of Prisons, in consultation with the Chief Probation Officers of the Federal judicial districts selected for participation in the pilot program required under paragraph (1), shall develop policies to enable program participants sentenced to terms of incarceration as described in paragraph (2)(E) to, where practicable, serve the terms of incarceration while maintaining employment, including allowing the terms of incarceration to be served on weekends.

20 (4) ADVISORY SENTENCING POLICIES.—

1           pilot program required under paragraph (1),  
2        shall establish advisory sentencing policies to be  
3        used by the district courts in imposing sen-  
4        tences of incarceration in accordance with para-  
5        graph (2)(E).

6           (B) REQUIREMENT.—The advisory sen-  
7        tencing policies established under subparagraph  
8        (A) shall be consistent with the stated goal of  
9        the pilot program to impose predictable and  
10      graduated sentences that are no longer than  
11      necessary for violations of program rules.

12          (5) DURATION OF PROGRAM.—The pilot pro-  
13        gram required under paragraph (1) shall continue  
14        for not less than 5 years and may be extended for  
15        not more than 5 years by the Administrative Office  
16        of the Courts.

17          (6) ASSESSMENT OF PROGRAM OUTCOMES AND  
18        REPORT TO CONGRESS.—

19           (A) IN GENERAL.—Not later than 6 years  
20        after the date of enactment of this Act, the Ad-  
21        ministrative Office of the Courts shall conduct  
22        an evaluation of the pilot program and submit  
23        to Congress a report on the results of the eval-  
24        uation.

(B) CONTENTS.—The report required under subparagraph (A) shall include—

- (i) the rates of substance abuse among program participants;
- (ii) the rates of violations of the terms of supervised release by program participants, and sanctions imposed;
- (iii) information about employment of program participants;
- (iv) a comparison of outcomes among program participants with outcomes among similarly situated individuals under the supervision of United States Probation and Pretrial Services not participating in the program; and
- (v) an assessment of the effectiveness of each of the relevant features of the program.

## 19 SEC. 6. CALCULATION OF GOOD-TIME CREDIT.

20 (a) IN GENERAL.—Section 3624(b) of title 18,  
21 United States Code, is amended—

22 (1) by striking paragraph (1) and inserting the  
23 following:

“(1) Subject to paragraphs (2) and (3)(C), a prisoner who is serving a term of imprisonment of

1 more than 1 year, other than a term of imprisonment  
2 for the duration of the prisoner's life, shall re-  
3 ceive credit toward the service of the prisoner's sen-  
4 tence, in addition to the time actually served by the  
5 prisoner, beginning on the date on which the sen-  
6 tence of the prisoner commences, at the rate of 54  
7 days per year of sentence imposed, if the Bureau of  
8 Prisons determines that the prisoner has displayed  
9 exemplary compliance with institutional disciplinary  
10 regulations."; and

11 (2) by striking paragraphs (3) and (4) and in-  
12 serting the following:

13 "“(A) This subsection shall apply to all pris-  
14 oners serving a term of imprisonment for offenses  
15 committed on or after November 1, 1987.

16 “(B) With respect to a prisoner serving a term  
17 of imprisonment on the date of enactment of the Re-  
18 cidivism Reduction and Public Safety Act of 2013,  
19 this subsection shall apply to the entirety of the sen-  
20 tence imposed on the prisoner, including time al-  
21 ready served.

22 “(C) A prisoner may not be awarded credit  
23 under this subsection that would cause the prisoner  
24 to be eligible for release earlier than the time al-

1 ready served by the prisoner on the imposed sen-  
2 tence.”.

3 (b) EFFECTIVE DATE.—The amendments made by  
4 subsection (a) shall take effect 90 days after the date of  
5 enactment of this Act.

6 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the De-  
8 partment of Justice to carry out this Act such sums as  
9 may be necessary for each of fiscal years 2015 through  
10 2019.

